

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

June 14, 2018
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Nathan Andersen, Vice Chairman
Mr. Greg Arnett (arrived 9:33 a.m.)
Mr. Bruce Burrows
Mr. Michael Cowley
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Mr. Robert Zamora

MEMBERS ABSENT:

Ms. Jennifer Ruby, Chairperson
Mr. B.J. Copeland
Mr. Broc Hiatt

STAFF PRESENT:

Mr. Darren Gerard, Planning Deputy Director
Ms. Rachel Applegate, Senior Planner
Mr. Ray Banker, Planner
Mr. Farhad Tavassoli, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney
Mr. Souren Naradikian, Environmental Services Engineer

CONSENT:

**S2018004, S2018006, Z2018026, Z2018041, DMP2018003,
DMP2018004**

REGULAR:

Z2017105, Z2017003

Meeting called to order at 9:31 a.m.

Vice Chairman Andersen asked if there were any changes or comments to the April 12 minutes, none.

COMMISSION ACTION: Vice Chairman Andersen approved the April 12, 2018 minutes as written.

CONSENT AGENDA

Preliminary Plat - S2018004

Applicant: HilgartWilson, LLC

District 2

Location: Generally located 1,000' from the northwest corner of Rio Verde Dr. and Verde River Way East in the Rio Verde area

Request: Preliminary Plat containing 11 residential lots and 1 tract in the R1-6 Residential Unit Plan of Development (RUPD) Planned Area of Development (PAD) zoning district– Trilogy at Verde River Unit 8A Phase III

Preliminary Plat - S2018006

District 4

Applicant: Everest Falcon View II, LLC

Location: Generally located 605' south of Glendale Ave. and 660' west of 125th Ave. in the Glendale area

Request: Preliminary Plat Extension of S2015019 containing 22 residential lots and 3 tracts in the R1-10 RUPD zoning district – Falcon View II

Zoning - Z2018026

District 1

Applicant: Jason Ottman

Location: Generally located approx. 310' east of the intersection of Scottsdale Rd. and Curry Rd. in the Tempe area

Request: Zone Change from IND-2to IND-2 IUPD – Rincon Storage on Curry

Special Use Permit - Z2018041

District 3

Applicant: Stephen C. Earl (Earl, Curley and Lagarde P.C.)

Location: Generally located approximately 1,478' north of the intersection (NWC) of Daisy Mountain Dr. and Gavilan Peak Pkwy. in the Anthem area

Request: Modification of conditions 'l' and 'm' of Special Use Permit (SUP) Z2008025 – Storage at Anthem, LLC

Development Master Plan - DMP2018003

District 4

Applicant: Susan E. Demmitt (Gammage & Burnham PLC)

Location: Generally located north of State Highway 74 approx. between 187th Ave. and 211th Ave. in the Morristown area.

Request: Modification of conditions 'kk(2)', 'll,' and 'mm' to the Lake Pleasant 5000 Development Master Plan (ref. DMP2005012 & DMP2012003) – Lake Pleasant 5000

Development Master Plan - DMP2018004

District 4

Applicant: Susan E. Demmitt (Gammage & Burnham PLC)

Location: Generally located north of Indian School Rd. alignment, south of Bethany Home Rd. alignment, west of 323rd Ave., and east of 343rd Ave. alignment

Request: Modification of conditions 'gg' and 'ii' to the Hassayampa Ranch Development Master Plan (ref. DMP2016001, DMP2011001 & DMP2005007) – Hassayampa Ranch

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Commissioner Burrows motioned to approve the consent agenda, S2018004 with conditions 'a'-'o', S2018006 with conditions 'a'-'t', Z2018026 with conditions 'a'-'j', Z2018041 with conditions 'a'-'r', DMP2018003 with conditions 'a'-'ll', and DMP2018004 with conditions 'a'-'kk'. Commissioner Montoya second. Approved 7-0.

S2018004 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat of Verde River – Units 8A Phase III" consisting of 3 full-size sheets, dated April 2018, and stamped received April 17, 2018, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Verde River Unit 8A Phase III Preliminary Plat Narrative", consisting of 9 pages, dated April 16, 2018, and stamped received April 17, 2018, except as modified by the following conditions.
- c. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- d. The following Planning Engineering condition shall apply:
 1. Until the LOMR is approved, floodplain use permits will be required for development on lots with construction activity in the effective floodplain. The floodplain use permits will require that the lowest finished floors of affected structures be elevated to or above regulatory flood elevation.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).

- i. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rio Verde Fire District. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- j. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- k. The applicant/property owner shall submit a 'will serve' letter from Rio Verde Utilities for water services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- l. The applicant/property owner shall submit a 'will serve' letter from Rio Verde Utilities for wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- m. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- n. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- o. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

S2018006 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Falcon View II – Preliminary Plat" consisting of 5 full-size sheets, dated February 16, 2016, and stamped received January 12, 2018, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Falcon View II – Preliminary Plat for approximately 9 acres located approximately 605 feet south of the SEC of 127th Ave. and Glendale Ave. – S2015019", consisting of 3 pages, dated December 23, 2015 and stamped received January 12, 2018, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Falcon View II – Maricopa County, Arizona – Conceptual

Landscape Plan", consisting of 4 pages, dated October 23, 2015 and stamped received February 18, 2016 except as modified by the following conditions.

- d. The following Maricopa County Environmental Services Department condition shall apply:
 - 1. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. If required, the owner/developer shall prepare a SWPPP and obtain approval by MCESD prior to construction. (A separate submittal to MCESD would be required.)
- e. The following Planning Engineering conditions shall apply:
 - 2. Any application for development must demonstrate that historic inflow/outflow locations and characteristics of all washes will be maintained.
 - 3. All retention basins shall meet Standard 6.10.6 of the Maricopa County Drainage Policies and Standards. All berms required for the construction of the retention basins shall have a minimum eight foot (8') to width, regardless of basin depth. Retention basins area required to provide one foot of freeboard from the calculated high water line to the top of slope or the lowest adjacent gutter elevation, whichever is lower.
 - 4. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
- f. An amenity package (narrative and exhibits), including but not limited to landscaping, recreational facilities, community facilities, signage and monumentation, etc. shall be submitted with the Final Plat for review prior to Final Plat approval. The Final Plat must be approved and recorded prior to submittal of any applications to construct landscape improvements or other amenities.
- g. Prior to Final Plat/Infrastructure Permit submittal, the applicant is required to attend a pre-application meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with this project. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- h. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.

- i. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- j. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- k. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT). Cross-sections are shown on the Preliminary Plat for informational purposes.
- l. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rural Metro Fire Department. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- m. The applicant/property owner shall submit a 'will serve' letter from Valley Utilities Water Co. Inc. for water services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- n. The applicant/property owner shall submit a 'will serve' letter from Liberty Utilities for wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- o. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be

apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- p. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- q. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- r. Preliminary Plat Extension approval shall expire one (1) year from the date of Commission approval.
- s. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- t. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

S2018026 conditions;

- a. Development of the site shall comply with the Site Plan entitled "RKAA Architects, Inc., Proposed Self Storage", consisting of one (1) full-size sheet, stamped received May 2, 2018 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Rincon Storage, Curry Rd., Proposed Rezone from IND-2 to IND-2

IUPD", consisting of 3 pages, stamped received March 29, 2018, except as modified by the following conditions.

- c. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. All driveways and parking areas shall be paved unless there is a dust control plan approved by the Maricopa County Air Quality Department (MCAQ).
- g. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change.
- h. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- i. The following IND-2 IUPD standard shall apply:
 - 1. Parking: 27 Standard and 2 ADA
- j. The IUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

Z2018041 conditions;

- a. Development of the site shall comply with the site plan entitled, "Anthem Self Storage", consisting of 1 full-size page, dated July 24, 2017 and stamped approved 'substantial conformance', except as modified by the following conditions.
- b. Development of the site shall be in conformance with the narrative report entitled, "Minor Site Plan Amendment to Zoning Case Z2008025", consisting of 2 pages, dated stamped approved on June 21, 2017, except as modified by the following conditions.
- c. Development of the site shall comply with the Landscape Plan entitled, "Americor Investment Grp. Self-Storage Anthem, consisting of 1 full-size sheet, dated revised June 24, 2008, and date stamped received July 21, 2008, except as modified by the following stipulations. All trees shall be double staked when installed.
- d. A corrective plat or affidavit of correction will be required to change the location of the utility easement prior to issuance of a zoning clearance for the subject site.
- e. The applicant/owner will be required to process a minor land division of the 0.88 acre parcel within 30 days of BOS approval of the SUP case Z2008025. The stipulation is based upon the review completed by Drainage for the SUP application which excluded the 0.88 acre region.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance or Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- l. Major changes to the Site Plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- n. Noncompliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- o. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- p. Storage units shall be leased for personal storage only and shall not be used for commercial purposes.
- q. Rental trucks shall be limited to two (2) and shall be parked out of external view.
- r. Propane tank shall be used for mini-storage unit and RV/boat storage lessees only.

DMP2018003 conditions;

- a. Development and use of the site shall comply with the narrative report titled *Lake Pleasant 5000 Development Master Plan* dated revised August 10, 2007 and stamped received August 13, 2007, consisting of 174 pages, as well as all

appendices and all figures and tables except as modified by the following stipulations.

- b. Changes to the Lake Pleasant 5000 Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approved minor changes to the Lake Pleasant 5000 Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Lake Pleasant 5000 Development Master Plan, including the narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012003 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to *Proposed Open Space (0-1 du/ac)*, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.
- d. Prior to approval of any zoning change for the Lake Pleasant 5000 Development Master Plan, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County

representative(s) and provided to the Maricopa County Planning and Development Department for public record.

- e. The Lake Pleasant 5000 master homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- f. Prior to approval of each final plat for the Lake Pleasant 5000 Development Master Plan, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation and disposition for each of the selected native vegetation.
- g. Concurrent with each preliminary plat application for the Lake Pleasant 5000 Development Master Plan, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- h. Concurrent with each preliminary plat application for the Lake Pleasant 5000 Development Master Plan, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan as applicable.
- i. All irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- j. The total number of residential dwelling units for the Lake Pleasant 5000 Development Master Plan shall not exceed 8,500 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- k. Until annexation of the entire Lake Pleasant 5000 takes place, the master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to most municipally-managed services. Such notice shall be included on all plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11

inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).

- l. Until such time that high school district organization takes place, notification shall be provided to future residents that they are not located within an organized high school district, and that high school students will have to attend a high school either in the Town of Wickenburg, the City of Surprise, or the City of Peoria. Such notification shall also identify which high schools have capacity and have agreed to accept students from the Lake Pleasant 5000 development, and identify the approximate distance to the respective high school. This notification shall be placed on all plats, be permanently posted on the front door of all home sales offices on not less than an 8½ x 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs).
- m. All park facilities shall be completed concurrent with any residential development within a respective parcel(s) as shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- n. Not less than 1,889 acres shall be reserved for Dedicated/Non-Developable Open Space (DOS) in the locations depicted on the *Land Use Display Plan* and Exhibit #17. No development shall be allowed in such areas, and any disturbance in such areas is subject to approval by the Maricopa County Planning and Development Department.
- o. Not less than 233 acres shall be reserved for Recreational Open Space (ROS) land use in the locations depicted on the *Land Use Display Plan* and Exhibit #17. This includes a minimum 20-acre community park and three neighborhood parks at a minimum of 10 acres each, and 34 pocket/mini-parks in the general locations identified on Exhibit #18. Each of these pocket/mini-parks shall be a minimum of one acre in size. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative ROS acreage completed with respect to the requirements outlined in this stipulation. Park facilities and amenities shall be identified on all plats, and a description of these facilities and amenities shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.
- p. Unless otherwise agreed to in writing by the applicable school district, not less than three school sites, each a minimum of 15 gross acres, shall be reserved for schools at the locations identified on the *Land Use Display Plan* and Exhibit #14.2. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and acreage referenced in this stipulation. The schools shall be completed concurrent with residential development in the applicable service area. Compliance shall be

documented by the applicant and filed with the Maricopa County Planning and Development Department.

- q. Prior to approval of any preliminary plat for the Lake Pleasant 5000 Development Master Plan, the applicant shall provide the Maricopa County Planning and Development Department with the design guidelines referenced in the narrative report.
- r. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall enter into a pre-annexation service agreement with the City of Surprise for wastewater service. This agreement shall be signed by both parties and provided to the Maricopa County Planning and Development Department.
- s. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and Certificate of Convenience and Necessity (CC&N) from the Circle City Water Company demonstrating commitment to serve the entire Lake Pleasant 5000 Development Master Plan.
- t. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department verification of approval by the Maricopa Association of Governments (MAG) of a 208 amendment as requested by the City of Surprise.
- u. Prior to any zone change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter from the Circle City/Morristown Fire Department demonstrating commitment to serve the entire Lake Pleasant 5000 Development Master Plan. The master developer shall also make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. The master developer shall provide written confirmation from the Circle City/Morristown Fire Department demonstrating compliance with this requirement and provided to the Maricopa County Planning and Development Department.
- v. Not less than 78 acres shall be reserved for Mixed Use Employment Centers in the locations depicted on the 'Land Use Display Plan' and Exhibit #14.2. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no residential or retail commercial uses are allowed in these parcels. At the time of each preliminary plat submittal, the master developer shall provide a written letter outlining the status of development of the Mixed Use Employment Centers with respect to the requirements outlined in this stipulation.

- w. No less than 100 acres shall be reserved for Mixed-Use in the locations depicted on the 'Land Use Display Plan' and Exhibit #14.2. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no less than (37%) of each Mixed-Use parcel shall be reserved for office employment uses that are consistent with those allowed in Maricopa County's C-O zoning classification. This requirement is subject to the following conditions:
 - a. With (37%) of each Mixed-Use parcel reserved for non-retail office employment uses, the remaining acreage of such parcel may be developed for other residential and retail commercial uses in advance of the non-retail office employment uses. If more than 37% of any Mixed-Use parcel is developed for non-retail office employment uses, equivalent acreage offsets (or other offsets calculated as set forth below or as determined by Planning and Development Department staff) for the portion of non-retail office employment uses in excess of 37% shall be applied in determining percentage of non-retail office employment uses in other Mixed-Use parcels.
 - b. Determination of the percentage of land use on Mixed Use parcels may be calculated by one of the following:
 - i. On the basis of acreage occupied by or reserved for non-retail office employment, residential, and retail commercial uses
 - ii. On the basis of gross square feet of leasable space (retail commercial and non-retail employment uses) or lot space (residential)
 - iii. On such other basis as may be determined and set forth in the required Development Agreement between Maricopa County and the master developer
 - iv. On such other equitable basis as may be determined by Planning and Development Department staff, such as the following:
 - 1. A determination that mid- to high-rise non-retail office employment development creates a high number of non-retail office employment jobs
 - 2. A reduction of dwelling units in Lake Pleasant 5000 may decrease the number of non-retail office employment jobs required.
 - 3. If one or both of such conditions exist, staff may adjust the 37 acres (37%) minimum requirement for non-retail office employment uses to no less than 25% administratively.

- x. At the time of each preliminary plat submittal, the master developer shall provide a written letter outlining the status of development of the Mixed-Use parcels with respect to the requirements outlined in stipulation x.
- y. Not less than three (3) acres shall be reserved to facilitate an emergency response station for the Circle City/Morristown Fire Department and the Maricopa County Sheriff's Office to be located at the site identified on the *Land Use Display Plan* and Exhibit #14.2. Written confirmation from the Circle City/Morristown Fire Department and the Maricopa County Sheriff's Office that the three acre site is sufficient to meet their emergency response needs shall be provided to the Maricopa County Planning and Development Department prior to any zoning change for the Lake Pleasant 5000 Development Master Plan. If additional emergency response stations are necessary or if the proposed site is requested by either agency to be relocated, the applicant shall process an amendment to this development master plan in accordance with Maricopa County's Development Master Plan Guidelines.
- z. Prior to approval of the first final plat for the Lake Pleasant 5000 Development Master Plan, the applicant shall enter into an agreement with the Bureau of Land Management (BLM) regarding enclosure of and access from the Lake Pleasant 5000 Development Master Plan to adjacent BLM-administered lands. Such agreement shall be signed by both the applicant and the BLM and provided to the Maricopa County Planning and Development Department for public record.
- aa. The Lake Pleasant 5000 Development Master Plan shall be developed sequentially as identified on the phasing exhibit.
- bb. Development shall be prohibited on hillside slopes of 20% or greater unless approved by the Maricopa County Board of Supervisors. Building envelopes shall be used for any development on slopes of 15% or greater, in which no disturbance shall be allowed outside of such envelopes. On slopes greater than 15%, residential building height shall be limited to 20 feet and single-story; non-residential building height shall be limited to 25 feet. In those cases in which staff determines that one story construction would result in more visual disturbance to the local condition, staff may approve building heights through use of terraces or stories that better blend and engage the physical form of the slope itself.
- cc. At the time of each precise plan submittal, the applicant shall provide elevation plans and renderings which show the layout and design of all buildings, structures, and signs.
- dd. Prior to approval of any zoning change for the Lake Pleasant 5000 Development Master Plan, the applicant shall submit the cultural resources inventory, referenced as report number 04-1061 and dated January 17, 2004 as prepared by EnviroSystems Management, Inc. and included in the

appendix, to the State Historic Preservation Office (SHPO) for review and comment. If warranted based on the survey results, SHPO may recommend that archaeological testing be performed to evaluate the potential impacts of development on cultural resources or to establish their eligibility for inclusion in the National or State Registers of Historic Places. If historic properties cannot be avoided by development activities, then SHPO may further recommend that a data recovery (excavation) program be implemented or that archaeological monitoring take place during construction.

- ee. Prior to approval of each preliminary plat for the Lake Pleasant 5000 Development Master Plan, the master developer shall submit to the Maricopa County Planning and Development Department a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the parcels identified on the plat, and which determines the preservation/disposition for each of the selected native trees and cacti.
- ff. Prior to approval of any zoning change for the Lake Pleasant 5000 Development Master Plan, and within three (3) years from the date of DMP approval by the Board of Supervisors, the applicant shall secure written confirmation from the Arizona State Land Department (ASLD) that legal access across ASLD-administered land to the site is granted. Such written confirmation shall be provided to the Maricopa County Planning and Development Department. If such written confirmation cannot be secured within the three year requirement, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan.
- gg. The following Drainage Administration stipulation shall apply:
 - 1. The applicant and developer agree to employ retention basin bleed-off at a rate that does not exceed 2 cfs where the traditional percolation method is not possible and at a depth that will drain the retention basins within 36 hours.
- hh. The following Maricopa County Environmental Services Department stipulations shall apply:
 - 1. Maricopa County Environmental Services Department support is predicated on the City of Surprise owning and operating the wastewater treatment facilities, and the Circle City Water Company owning and operating the water facilities. If either infrastructure system changes, then the approval of the Water and/or Sewer Master Plans may be voided, and support from the Maricopa County Environmental Services Department may also be voided.

2. Maricopa County Environmental Services Department requires that FINAL water and sewer master plans must be submitted, under application and fee, for review and approval prior to approval of the first preliminary plat.
- ii. The following Flood Control District of Maricopa County stipulations shall apply:
 1. At the time of preliminary plat, all watercourses over 50 cfs shall be delineated as floodplain, and must be shown as such on all preliminary plats.
 2. All structures within the future delineated floodplain shall be one (1) foot above the encroached water surface elevation, which will need to be determined by a floodplain delineation. All structures within the floodplain will require a Floodplain Use Permit.
- jj. The following Maricopa County Sheriff's Office stipulation shall apply:
 1. Prior to any zoning change for the Lake Pleasant 5000 Development Master Plan, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office. This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county for use by the Maricopa County Sheriff's Office separate office space (the size to be determined in the required development agreement) for an on-site law enforcement building(s) for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to the Lake Pleasant 5000 Development Master Plan and surrounding areas. The office space, complete with tenant improvements per Maricopa County Sheriff's Office requirements, and associated parking shall be provided no later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development agreement. This development agreement shall also include, but not necessarily be limited to, the master developer's requirement to pay for startup costs and interim fees for law enforcement services associated with the property unless it is annexed into a municipality or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record
- kk. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Applicant has provided a Traffic Impact Study (TIS). The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning approvals and/or final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall address the timing, including "trigger" points for when design should begin, and "thresholds" by which time construction should be complete. The project must comply with all recommendations in the MCDOT-approved TIS.
2. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
3. The Applicant shall provide the ultimate full or half-width of right-of-way for all public roadways, consistent with the Maricopa County Major Streets and Routes Plan or as otherwise approved by MCDOT. Right-of-way shall be provided as follows:
 - A.) All arterial roads (principal and minor): 130 Feet
 - B.) All major collector roads: 80 Feet
 - C.) All minor collector roads: 60 Feet

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

4. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Applicant shall relocate well site(s) and/or provide additional right-of-way, as approved by MCDOT, in the event of conflict with any transportation facilities.

5. With regard to the provision of access to and from the DMP project, the Applicant shall provide a minimum of two access points to each development phase and/or subdivision unit:
 - At least one of the two access points shall be paved, all-weather access at the time of the opening of the first sales models of such phase and/or subdivision unit. Such access point shall be the primary access.
 - The secondary access is not required to be paved nor all-weather access until warranted by a TIS.
6. The Applicant shall not locate elementary or middle schools on arterial roads. (The schools may not “back up” to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
7. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public (including commercial) facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. The Applicant shall prepare a comprehensive multimodal transportation and circulation plan (the “Multimodal Plan”) which addresses public transit, bicycle, pedestrian, golf cart, trail, equestrian, and other alternative uses. The Multimodal Plan must be approved before the subsequent approval of any roadway improvement plans.
8. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
9. The Applicant shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual, Chapter 9. The Applicant (or as assigned to the Home Owner’s Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way within the DMP area (not within the State Trust Land). If the Applicant chooses to construct landscaping within the State Trust Land, the Applicant or some party other than Maricopa County shall maintain same.
10. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.

11. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 12. The Applicant shall consult with ADOT (Prescott District) regarding access and improvements to SR 74. The Applicant shall provide written documentation of ADOT's approval and requirements.
 13. The Applicant shall provide (or document existing) right-of-way and construct new improvements along "211th Avenue" and "198th Avenue" from the project boundary to SR 74. It is assumed that one of these alignments will serve as all-weather access to the project and that the other will serve as unpaved secondary/emergency access. The secondary/emergency access route shall be monitored for air quality and appropriate mitigation measures shall be taken as necessary. No connection from/to SR74 and LP5K other than 198th Avenue and 211th Avenue shall be required so long as the maximum density for LP5K as set forth in this DMP is not exceeded.
 14. The Applicant shall consult with the City of Surprise regarding transportation issues. The Applicant shall provide written documentation of Surprise's comments.
- II. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this development master plan due to non-compliance with any of the approved stipulations or other conditions of approval.

DMP2018004 conditions;

- a. Development and use of the site shall comply with the narrative report titled "Development Master Plan for Hassayampa Ranch" dated revised October 27, 2006 and stamped received November 1, 2006, consisting of 93 pages, all appendices, and all figures and tables except as modified by the following stipulations.
- b. Changes to the Hassayampa Ranch Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approve minor changes to the Hassayampa Ranch Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Hassayampa Ranch Development Master Plan, including the

narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.

- c. The master developer shall make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. Compliance shall be documented by the fire district/service provider and filed with Maricopa County.
- d. The master developer shall submit a written report every 5 years from the date of Board of Supervisors approval of DMP2016001. The status report shall include a description of compliance with the conditions of approval of DMP2016001. The status report shall also include location of approved construction, the total number of units permitted and platted, locations of developed parcels, location of parcels under construction, location of parcels sold to other developers, status of infrastructure development, current project density using both constructed and approved devilling units, location of any amendments made to the master plan, the status and ration of non-residential property, and such other information as may be reasonably requested by the Maricopa County Planning and Development Department. This report shall be reviewed by staff to determine whether the project remains in compliance with the approved conditions, or whether to schedule the matter for review by the Commission for recommendation to the Board. This condition shall remain in effect until all final plats have been approved for this development.
- e. Prior to approval of any zoning change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zoning change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- f. The Hassayampa Ranch master homeowners association shall be responsible for the maintenance of all private roads; public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- g. Concurrent with each preliminary plat application, the master development shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan.
- h. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- i. All irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three

years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.

- j. The total number of residential dwelling units for the Hassayampa Ranch Development Master Plan shall not exceed 5,707 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- k. The Hassayampa Ranch Development Master Plan is subject to all Maricopa County Standards and regulations in effect at the time of zoning and platting.
- l. All future zoning change applications for non-residential development require a Planned Development (P.D.) overlay.
- m. The master developer shall be responsible for the installation of all major elements of infrastructure in accordance with the Maricopa County standards in effect at the time of platting.
- n. The master developer shall provide neighborhood access to commercial and mixed use parcels via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be identified on all plats and precise plans of development.
- o. Each mixed-use center development providing over 50 parking spaces shall assign at least 10 percent of the spaces to priority parking for car pools. Such spaces shall be identified on all precise plans of development.
- p. Unless otherwise agreed to in writing by the applicable school districts, not less than two (2) elementary schools, totaling 26.4 acres, shall be reserved in the locations and of the sizes identified on the Hassayampa Ranch Development Master Plan land use plan. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and type of schools and acreage referenced in this stipulation. Elementary Schools are prohibited from fronting on arterial streets.
- q. The master developer shall notify all future residents that they are not located within an incorporated municipality, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, sewer, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).

- r. Prior to approval of the first final plat, the master developer shall establish Covenants, Conditions, and Restrictions (CC&Rs) for the Hassayampa Ranch DMP. These CC&Rs shall include age restrictions as outlined in the narrative report referenced in stipulation 'a.' It shall be the responsibility of the Homeowner's Association to enforce these restrictions. Failure to comply with this stipulation will be considered substantial non-compliance with this DMP as referenced in stipulations 'a' and 'b' and grounds for the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revoking the approved development master plan and any associated zoning changes.
- s. All park facilities shall be completed concurrently with residential development within the respective parcel(s) shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- t. Not less than 364 acres shall be reserved for Recreational Open Space land use in the locations depicted on the Hassayampa Ranch Development Master Plan land use plan. This includes no less than 52 acres for neighborhood parks and community recreation centers, and a minimum of 38 mini/pocket parks at a minimum of one acre each. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Recreational Open Space acreage completed to that point with respect to the requirements outlined in this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.
- u. Not less than 412 acres shall be reserved for Dedicated/Non-Developable Open Space in the locations depicted on the Hassayampa Ranch Development Master Plan land use plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Dedicated/Non-Developable Open Space set aside to that point with respect to the requirements outlined in this stipulation. No development shall be allowed in these areas, and any disturbance to such areas is subject to approval by the Maricopa County Planning and Development Department.
- v. Not less than two community recreation centers, 2.7 and 6.6 acres respectively, shall be reserved at the locations identified on the Hassayampa Ranch Development Master Plan land use plan.
- w. The Hassayampa Ranch Development Master Plan shall be developed sequentially as identified on the phasing exhibit. All parcels depicted on this exhibit as "Active Adult" shall be age-restricted, and shall include no less than 1,971 of the 5,707 total residential units allowed. To help ensure compliance,

the cumulative number of age-restricted dwelling units permitted to that point shall be identified on each preliminary and final plat.

- x. Prior to any zoning change, the applicant shall provide the Maricopa County Planning and Development Department with a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private service provider demonstrating commitment to serve the entire Hassayampa Ranch Development Master Plan.
- y. Not less than 40.8 acres (or equivalent measurement) shall be reserved for Mixed-Use land uses. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no less than 30 of the 40.8 acres (or equivalent measurement) shall be reserved for non-residential and non-retail commercial uses. At the time of each preliminary plat and precise plan submittal for the applicable parcels, the master developer shall include a description of the status of the cumulative acreage of the non-residential and non-retail commercial uses completed to date as required per this stipulation.
- z. Not less than 27.1 acres shall be reserved for a Community Retail Center. To help ensure consistency with the Maricopa County Development Master Plan Guidelines for balanced land use, no less than ten (10) of the 27.1 acres shall be zoned C-O. At the time of each precise site plan submittal for the applicable parcels, the master developer shall include a description of the status of cumulative acreage of C-O zoned to date as required per this stipulation.
- aa. Not less than 4 acres shall be reserved to facilitate an emergency response station for the fire district and the Maricopa County Sheriff's Office to be located at the site identified on the land use exhibit. Written confirmation from the Tonopah Valley Fire District (or selected fire service provider) and the Maricopa County Sheriff's Office that the 4 acre site is sufficient to meet their response needs shall be provided to the Maricopa County Planning and Development Department prior to any zoning change. If additional emergency response stations are necessary or if the proposed site is requested by either agency to be relocated, the applicant shall process a major amendment to this DMP which is subject to Board of Supervisors approval.
- bb. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and an approved certificate of convenience and necessity (CC&N) from Global Water Resources which demonstrates a willingness and capability to serve the entire Hassayampa Ranch Development Master Plan.
- cc. The applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval by the Maricopa Association of Governments (MAG) of a 208 Amendment from Global Water Resources. The "will serve" letter shall demonstrate a willingness

and capability to serve the entire Hassayampa Ranch Development Master Plan with wastewater service. The required MAG 208 amendment shall be approved by MAG prior to any zoning change.

- dd. Development shall be prohibited on hillside slopes of 20% or greater slope unless approved by the Maricopa County Board of Supervisors. Building envelopes shall be used for any development on slopes of 15% or greater, in which no disturbance shall be allowed outside such envelopes unless approved by the Maricopa County Board of Supervisors.
- ee. Prior to approval of each preliminary plat, the master developer shall submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable platted parcels, and which determines the preservation/disposition for each of the selected native trees and cacti to the Maricopa County Planning and Development Department.
- ff. The following Maricopa County Department of Transportation stipulations shall apply:
 - 1. The applicant shall provide a Traffic Impact Study (TIS) prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The applicant shall design, construct, and install the transportation infrastructure necessary to serve the property as demonstrated by any TIS submitted by the applicant and approved by MCDOT pursuant to item 1 above, and as further detailed within a Development Agreement between the applicant and Maricopa County. The Development Agreement shall be an enforceable contract, regardless of annexation.
 - 3. The applicant shall provide the ultimate full or half-width of right-of-way for all public roadways as follows:
 - A. Bethany Home Road: 65 feet (entire north boundary of project)
 - B. Camelback Road: 100 feet and 200 feet
 - C. Indian School Road: 65 feet
 - D. 343rd Avenue: 65 feet
 - E. 339th Avenue: 200 feet (the applicant shall dedicate 200 feet of right-of-way for 339th Avenue from Camelback Road to Bethany Home Road. Compensation for any dedication in

excess of the 130 feet may be credited toward the developer's contribution. The applicant shall reserve an additional 100 feet of right-of-way on the west side of the 200 feet of right-of-way for 339th Avenue [the "Reserved Area"] for possible expansion of 339th Avenue for freeway purposes. Said reservation shall remain until December 31, 2007 [the "Reservation Period"]. During the Reservation Period, the Reserved Area may not be developed for any use except utilities, landscaping, staging, or excess parking. Should Maricopa County elect to require the dedication of all or any portion of the Reserved Area, compensation for such dedication shall be credited toward the developer's contribution).

- F. 335th Avenue: 80 feet
- G. 331st Avenue: 65 feet and 130 feet (from Indian School Road to Camelback Road)
- H. East/West Collector Road: 80 feet

The above references interior and perimeter roads (the project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersection where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

- 4. Unless approved otherwise by MCDOT, the applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, except that the applicant shall only be responsible for the construction of the ultimate half-width of Bethany Home Road from the western boundary of Hassayampa Ranch to 339th Avenue. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.
- 5. The applicant is responsible for assuring paved access to their site at the time of the first final plat.
- 6. The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways. Notwithstanding the foregoing, no all-weather access is required to be provided to Parcel 38, provided it is designated as undeveloped open space.

7. The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
8. The applicant shall not locate elementary or middle schools fronting or siding on arterial roads. Pedestrian routes to school (Safe Routes to School Program) shall be planned so if necessary, school routes shall only cross arterials at signalized intersections or at grade separated crossings.
9. The applicant shall design the development to promote pedestrian, bicycle, and other alternative modes of transportation to public facilities within and adjacent to the site (i.e. bus bays, electric vehicles, shared accommodations, internal trail systems, etc). Trail system crossings of arterials at other than signalized intersections shall be grade separated.
10. If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
11. The applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The applicant (or as assigned to the Home Owner's Association (HOA) shall be responsible for maintenance of landscaping within public rights-of-way.
12. The applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
13. The applicant shall comply with all applicable local, state, and federal requirements (dust control, noise mitigation, AZPDES, 404 permitting, etc.).
14. The applicant shall consult with ADOT regarding access to the I-10 freeway. The applicant shall provide written documentation of ADOT's review and response.
15. If required by the MCDOT approved TIS referred to in item 1 above, the applicant shall provide right-of-way and construct a roadway along 339th Avenue from Camelback Road south to Indian School Road.
16. Throughout the DMP process, the applicant is required to make certain right-of-way dedications and provide certain roadway construction. Pending the completion of the *Interstate 10 – Hassayampa Valley Roadway Framework Study*, and completion of other similar studies,

MCDOT may determine that such rights-of-way and/or roadway construction may not be necessary.

gg. The following Maricopa County Department of Emergency Management stipulations shall apply:

1. Adequate coverage by the existing Outdoor Warning Siren System for the Palo Verde Nuclear Generation Station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Hassayampa Ranch Development Master Plan. The applicant shall obtain information on existing siren coverage from the Maricopa County Department of Emergency Management. If existing coverage is inadequate, the master developer shall provide funding to cover expenses of installing new sirens. Palo Verde Nuclear Generating Station will coordinate installation of the sirens. Siren coverage must meet the standards set forth in CODE OF FEDERAL REGULATIONS FEMA RULE 44 – PART 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings/residences.
2. Prior to any zoning change, the applicant shall consult with the Maricopa County Department of Emergency Management to determine if the proposed development adversely impacts the existing Palo Verde evacuation plan. If the proposed development adversely impacts the evacuation plan results, then the applicant shall ensure that adequate provisions (street and road widening, interchanges, etc.) are provided to ensure evacuation assumptions and requirements are met.
3. The applicant shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

hh. The following Maricopa County Sheriff's Office stipulation shall apply:

1. Prior to any zoning change, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office. This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, separate office space (the size to be determined in the development agreement) for an on-site law enforcement building for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Hassayampa Ranch and surrounding areas.

The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development agreement. This development agreement shall also include, but not necessarily be limited to, the master developer's requirement to pay for startup costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office, and provided to the Maricopa County Planning and Development Department for public record.

- ii. The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

"You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day, although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs), and be included in the public report.

- jj. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.

- kk. Approval of this Development Master Plan with Protected Development Rights does not guarantee any specific zoning entitlement within the identified land use category.

REGULAR AGENDA

Zoning - Z2017105 (cont. from 4/26)

District 5

Applicant: Gary Johnson, Archicon Architecture
Location: Generally on the west side of Tuthill Rd. (203rd Ave.), approx. 400 ft. south of Elliot Rd. in Rainbow Valley
Request: Zone change from R1-35 to C-2 CUPD – Dollar General

Mr. Tavassoli presented Z2017105 and noted this is a request for a zone change from R1-35 to C-2 with a Commercial Unit Plan of Development (CUPD) overlay to allow a 9,100 square foot retail store called Dollar General. The 1-1/2 acre vacant parcel is located 400 feet south of the southeast corner of Elliot and Tuthill Roads within the Rainbow Valley area. The main body of the building will be constructed as a pre-engineered metal building with steel structure and a block wainscot. A continuous six foot high concrete masonry unit (CMU) fence will be constructed on the south property line to provide screening from the adjacent residential zoning district. Although a retail building is allowed in a C-1 (Neighborhood Commercial) zoning district, the applicant is requesting a zone change to C-2 (Intermediate Commercial) as the owner has expressed interest in rezoning the remaining 7.7 acres of the parent parcel to C-2 to allow multiple general commercial uses. Rezoning the subject property to C-2 would be more consistent with the applicant's long range goals for the southwest corner of Elliot and Tuthill Roads. Staff generally supports retail uses at the intersection of two arterials, but the opposition from the Rainbow Valley community is significant. Staff believes opposition is directly related to common participation in adoption of the Rainbow Valley Area Plan which included a very specific policy to encourage neighborhood commercial at the MC-85 / Jackrabbit Trail intersection approximately 2 miles north and across the Gila River from the subject site. Staff believes that the zone change is not appropriate for this location at this time. The applicant argues this policy is antiquated and inappropriate. Since publication of the staff report, staff received an updated petition from the Rainbow Valley community containing the names of 111 additional people who are in opposition, increasing the total amount of opponents from 474 to 585. Another petition was received where 82 citizens petitioned in support plus four letters of support. For the reasons outlined in the staff report staff recommends denial.

Commissioner Montoya asked if there is anything different in this application from the application they were going to consider on April 26. Mr. Tavassoli said the proposal is identical to what was presented on April 26 before it was continued.

Mr. Gerard said the applicant provided a locational demographic study to document a demonstrative need as to why they believe this is a good neighborhood to locate. They raised three plan policies and addressed two of those clearly.

Commissioner Montoya asked if the location on the application originally remains the same. Mr. Tavassoli said correct.

Commissioner Montoya asked since April has there been any further meetings in the community. Mr. Tavassoli said he believes there has been one meeting altogether, but does not think there has been any additional meetings since the last one.

Commissioner Montoya asked if there were any community meetings with Supervisor Gallardo. Mr. Gerard said he is not aware of any.

Commissioner Zamora asked if the site they have today has changed. Mr. Tavassoli said no the site has not changed, the only difference is a new parcel has been created for this site with separate distinct property boundaries.

Mr. Gerard said to be clear, there was a previous zone change proposal over a year ago for a different site further south. There was opposition raised to that and the applicant's withdrew that request. They found another site further north with the idea that it is further from the rural residential neighborhoods of Rainbow Valley. They came back and staff raised three area plan policies of concern. There should be no new commercial zoning and should use existing commercial zoning unless there was a demonstrated need for new commercial zoning to be created in Rainbow Valley. There is a separate policy that speaks to neighborhood commercial, should be established and fostered across the river at MC-85 intersection. They provided information in this interim of continuance and provided new information to staff addressing those planned policies. They provided a location demographical study saying there's a demand for new commercial zoning in Rainbow Valley and there is none at present. There is a separate plan policy that speaks to the neighborhood commercial and MC-85 and it's very specific. What they have argued, MC-85 is a regional thoroughfare and it's appropriate for community commercial and regional commercial but not neighborhood commercial. Their proposal is a rural neighborhood based retail center.

Mr. Gerard said to correct a previous statement, they did meet with District 5 at some point in this process right after the continuance because he attended that meeting, he apologized for not remembering it earlier.

Commissioner Lindblom asked if staff could briefly discuss the Rainbow Valley Area Plan and how it came to fruition. Mr. Gerard said the Rainbow Valley Area Plan is a land use plan specific to a certain region in the County and there's numerous of these throughout the County. They are considered subsets or addendums to the County's Comprehensive Plan. It is a plan that was adopted by the Board of Supervisors in 2003 after an 18 month process with neighborhood meetings, public input, crafting vision statements and policies based upon a general community consensus, shared values and what they want to see in the community. There were work sessions before the Planning and Zoning Commission and a public hearing where recommendations were made to the Board of Supervisors, and eventually it was adopted. It's a 15 year old land use plan and land use plans are policies, they are not regulatory. These policies should be used as guides as decisions are made on zoning entitlements.

Commissioner Zamora said it is a 15 year old policy that has not been revisited even with all the new growth in the County. Mr. Gerard said yes that is correct.

Commissioner Lindblom referenced page five of the Rainbow Valley Area Plan saying, "since the subject property is less than 10 acres the zone change does not trigger the need for a minor comprehensive plan," and by reading that when these plans are adopted they are adopted in a way to still provide some small exceptions as the community finds needs, and asked is that why they put these kind of exceptions in there? Mr. Gerard said the plan is a combination of the land use plan, the policies and they need to be reviewed together. For smaller sites we don't necessarily look to the land use plan specifically but when you have a certain size, per state law there has to be a concert between the land use plan and the zoning.

Mr. Tim Locher said he is with Simon Commercial Real Estate representing the applicant. He agrees with the comments made regarding the comprehensive plan, the area plan, and all related goals and policies. Staff has been very generous with their time and have been very patient, helpful and fair as the opposition has been. This isn't a big fight we agree with the overall goals. This is the seventh largest growing area in the country right now and the site is located on the corner of two major arterials, and in some respects a commercial use here is undeniable. We understand the issues, the intent of the policies and goals, and understand the neighbor's points. We don't have any disagreements on most of this, other than the application of a planned policy that the County planned 15 years ago. We have addressed the opposition's concerns and respect their opinion as a rural community, but it's really a discussion about the policy and the language that was drafted 15 years ago. There's a stigma out there with a Dollar General, and it's not the old 99 cent store, it's not the Dollar Tree or other stores that categorize themselves like Dollar General. Dollar General is a CVS or Walgreens without the pharmacy. As it relates to the policy and the neighbors, this is a business that has operated for decades and has built over 14,000 stores. It is designed and operated as a rural general store to become part of the rural community, not to bring in a big box user that's not their intention. This is to be on 1½ acres and he is not sure why they wanted C-2 zoning, they just want to have a Dollar General store in this location on a corner of two arterials. He believes the demand presented proves that. This business is designed for a site just like this, the demand is there and this area is obviously growing. We moved the site north from their prior application with a strong urging from the County and the neighbors, and we saw their point and moved it a mile or so north. There will be significant reduction in greenhouse gas emissions and economic benefits, no need to drive 20 or 30 minutes for a gallon of milk. There's many reasons we feel this is appropriate. As you look at the County's definition of a neighborhood commercial user that is not us, and it's not appropriate for this use. The plan calls for efficient land development that is compatible with adjacent land uses. We agree with staff that this location of a commercial site at a major arterial is appropriate. The policy is well intended but it is impossible to draft specific language for a use 15 years later in a growth sector like this. We are not a strip commercial development, this store protects the policy and protects the Rainbow Valley neighbors better than any other commercial use you can dream of. We had public outreach meetings with those opposed, and public meetings with staff. There is significant amount of opposition and

significant levels of support. This is a rural area slated for growth and they are following the plans and policies of the County.

Commissioner Montoya asked at what point was the location moved one mile north. Mr. Locher said about 15 months ago.

Mr. Gerard said that was a previous application a year and a half ago, and that application was withdrawn. Then they came forward last year with this new application for the site further north.

Vice Chairman Andersen asked what's the intention for development on the balance of the property? Mr. Locher said they have no intention in owning that, but the seller owns about 8 acres and we don't know their plans. In our discussions with the seller we told them what our plan is and they supported it, so they separated the 1½ acres to be more appropriate to have a general store in the area.

Vice Chairman Andersen asked the purpose of going off corner. Mr. Locher said on the original application is where the process of site selection and moving it to that area began. To have it set back on that corner for access reasons will allow a longer stretch for delivery trucks and customer traffic.

Commissioner Arnett asked Mr. Locher to get more specific and what does he think of the opposition and what their concerns are. Mr. Locher said the opposition has said they moved to this rural community and want to keep it the same way, and any commercial use would cause a change in the community. He believes their main concern is to protect the rural integrity of their neighborhood, and they have concerns of bright lights when they're out riding horses. The lighting will be contained on site and the lighting meets or exceeds all County and the City code requirements. We understand their concerns but we do not think we are causing a hardship or affecting the rural character of their community at all. This use enhances a rural community.

Vice Chairman Andersen said there are a lot of people wishing to speak today and he asked everyone to be respectful of time and not to repeat the same comments.

Mr. Mark Collins said he's lived in Rainbow Valley since 1980 and they love the rural community. He is in opposition of the project, but he respects the right of the applicant and asks that their rights to oppose the project be respected as well. They would find far less objection if they were to keep it on the main corridor of MC-85. Once you cross the Gila River you are now in Rainbow Valley, and the vast majority of the people are young working folks that commute all over the valley. With that rural lifestyle we plan our day and stop at the stores on our way home. We have a full service grocery store a couple of miles away and it provides everything we need. This store is not wanted and we ask that you honor that.

Ms. Lisa Collins said she has lived in Rainbow Valley since 1980 knowing it was a rural residential lifestyle. Back then the stores were 15 to 20 miles away and we planned our trips and we are okay with that, and she would like to keep it this way. Growth is inevitable and there's a lot of people moving out there, and she is okay with it as long

as they can keep their rural residential lifestyle. She is concerned with traffic since they already have a number of gravel trucks, and is also concerned with law enforcement resources because it can take a long time to get them out there. She respects Dollar General going into rural communities, but they want to keep the integrity of their rural community. If we allow one commercial business, it opens up the door for more commercial businesses and then we lose that rural lifestyle.

Mr. Michael Todd said he is a resident of Rainbow Valley and he is in opposition. They enjoy a rural lifestyle that is free of commercial development, and they have done their due diligence prior to moving to the area. Nowhere did they see in the County plan commercial development slated for this intersection. They do not want commercial property in their backyard, they enjoy being able to stargaze at night and ride their horses up to the river without crossing a busy intersection or dodge traffic coming out of commercial parking lots. Rezoning this property will only alter their lifestyle in a negative manner and will increase dangers in the community such as traffic and security. Rainbow Valley has one way in and one way out, and the increased traffic at this intersection with a commercial business will hamper their ability to come and go from their community. It was mentioned this is an arterial road, but if you really look at it it's not arterial – it is dead end to the west, there's a dairy and Estrella Mountain to the east. Irresponsible development at the hands of Maricopa County Planning and the Zoning Commission, the Board of Supervisors, and commercial developers is not in the best interest of anyone. This project must be stopped. The residence of Rainbow Valley deserve better than to have the Commission recommend a rezone of this property for commercial development. Nowhere has he found where the County developed roads and infrastructure or planned for this property to be commercial. Being on the precinct committee he has had the unique opportunity to speak with many constituents throughout the community, and he is yet to find a resident that supports this project. It is evident with over five hundred signatures against and a very nominal amount for, there are thousands of acres suitable for commercial development such as MC-85 and Jack Rabbit. Please hear from your constituents of our opposition to this project and not an out-of-state corporation whose only submission is to make money from local residents. He asks that the Commission votes responsibly on this project and not support it.

Commissioner Lindblom said he was recently in Star Valley, Wyoming population 3,000 in a real rural area, and there was a Dollar General there. He stopped in there for the first time looking for something he needed that night. He asked Mr. Todd if he's ever been to one. With his own experience when he did go to that Dollar General and while listening to your concerns being something that will completely change the nature of a rural environment. How will it really change the traffic since it's not like a normal convenience store or a normal super store? This is coming from someone who grew up in Gilbert when there was no one there and now there's track houses all around. Mr. Todd said he has been in a Dollar General, and he drove down to Benson and what he found was a vacant abandoned building with a similar situation where they developed some land, and the one at 51st Avenue and Camelback he saw another graveyard of a building that was abandoned. If 51st and Camelback doesn't support a Dollar General he assures that Tuthill and Elliot will not. All the other Dollar Generals he has seen were actually on a main highway, there's one in downtown Buckeye on MC-85, and it's a large road. The difference with this project is its right in the middle of a

residential neighborhood, and what they sell can be useful to everybody but they are perfectly happy as a community driving 10 minutes. It is not a convenience for them because they have it already.

Vice Chairman Andersen said Mr. Michael Lagunas filled out a speaker card and is opposed but does not wish to speak.

Ms. Joy Lagunas said they have lived in Rainbow Valley for four years and the reason they live there is because of the rural community. There is a rock quarry that is north of them and it has been there many years, but recently they have started producing asphalt concrete at this quarry. It was once zoned for a specific type of commercial property and they have brought other companies in on a temporary basis but it has created an atmospheric problem out there. C-2 zoning will allow them to have other companies come in, and they will be bringing in other businesses. If it's zoned C-2, there is another seven or eight acres that will leave it open to willy-nilly, and that's what she is afraid of and this is what she doesn't want to see.

Mr. Gerard said to clarify, mining and extraction activity is statutorily exempted from the County zoning authority and it is not a commercial zoning issue it is a statutory exempted land use issue.

Ms. Kelly Schrum said she is a resident of Rainbow Valley for 14 years and she loves the place. With the first proposal it included the entire nine acres including a strip mall consideration and now they voided that, but it's open to purchase that second piece after they put the Dollar General in. We are on single lane roadways and the Dollar General is going to increase the traffic so much it will need double lane streets and then street lights. This is their main entrance to their neighborhood and when you cross the river there's only one other way out, and that's through Estrella Mountain Ranch. All this will be more taxes on us, and it will be our burden to pay for those improvements. This is something they need to be concerned about as well as living with the store in their neighborhood.

Ms. Dee Nassoioy said she is a resident of Rainbow Valley, and she wants to continue to raise her children and grandchildren in a rural community. She has been wanting to have a community meeting with staff, the Board, and the Planning and Zoning Committee to go see their rural community. She has plenty of stores on her way home from work to buy bread or milk and does not need the Dollar General on the corner. She would really like to see the store on MC-85 and Jack Rabbit and would support it, but once you cross the river you are in Rainbow Valley and they are not arterial roads. She does not want the rezoning from R1-35 to C-2, once it gets zoned to commercial we cannot stop it, we want to maintain a rural lifestyle.

Mr. Chip Nassoioy said when they first came to us for the first location we made it quite clear we did not want the store there. None of us at the meeting said to move it a mile up, and every single person in the community said MC-85 and Jack Rabbit would be great. Not sure why they would want to put in another Dollar General when there's one six miles away.

Ms. Karen Bedell said she's lived in Rainbow Valley for 20 years and her concern is law enforcement presence in their area. They are covered by MCSO and they patrol 50 miles, and the response time has always been bad. If they bring in commercial there's a potential for something to happen and that would change their community.

Ms. Holly Hoff said she is fourteen years old and does not want to be here, but she is doing this for her community and the thing she loves. We want our community and home to stay the same. A friend of hers found a horse behind her house and with the help of friends and neighbor they got the horse loaded up and taken to her place. She could only imagine how dangerous that would be with pedestrians and semi-trucks making deliveries. She did find another horse and without the help friends and neighbors she wouldn't have been able to make his last days good. Her community gave him hope and a good life his last few days. She wants to give other horses a chance and she cannot do that by herself and needs her community. If they have to flee because the changes made that will hurt, and she prays they will make the right decision. She loves Maricopa County and will probably live here all her life, and she doesn't want to leave because the place she loves has been taken over by people that don't know the value of community, nature and wildlife which are three things Rainbow Valley is known for. Rezoning might seem to be a good idea financially but please consider what you are taking away from us. It's not just a small plot of land, it is her life, her neighbor's lives, her family's lives and her friend's lives.

Mr. Steve Cook said he lives near the site and he has supported this project the first time around. Some wanted this moved further north which the developer has done. If the proposed site was any further north than this location, it would be north of the river and of no real benefit to him or his neighbors.

Ms. Stacie Norby said she lives near the site and said she supports this because of the time and money she could save by not having to drive 10 minutes for a simple household item. The Dollar General has everything, and when she lived in Minnesota and Wisconsin they have those stores everywhere in the rural areas.

Ms. Heather Divinski said she is in favor of the project and lives close by. Her husband used to work at the Safeway in Estrella Mountain and it is a very busy store. It might be easier for people to come to a Dollar General store that isn't as busy as a Safeway or a bigger box store, especially if you are needing just a couple of items. It is probably cheaper than going to Safeway for people on limited budgets.

Ms. Jennifer Brown said she lives close to the site. She does a lot of traveling back and forth from the Town of Buckeye up to Estrella Mountain to use their pool and to see family and friends. A lot of times she forgets her swim stuff, sunscreen and towels, and a Dollar General in that location would be great. Safeway is a little pricier and this will be a good location. She supports it.

Mr. Brent Jones said he used to live in Rainbow Valley and he now lives in Buckeye. The reason he is in support is the convenience, to save on gas, and they supply goods where you don't need to go to other stores. We live in a rural area and we have simple needs for convenience and household items. Dollar General provides the

neighborhood with a variety all under one roof. We don't want a large scale development district, we just need a simple convenient dollar store that respects and understands what the community is and how to become a part of a rural community, and Dollar General is precisely what they are.

Vice Chairman Andersen asked if anyone else would like to speak. None.

Commissioner Montoya asked is this the first commercial establishment in this area or are there others that fit within the neighborhood commercial zoning district. Mr. Gerard said this will be the first commercial zoning and the first commercial establishment south of the river in Rainbow Valley.

Commissioner Zamora said this is a tough one, as a young boy he grew up on 43rd Avenue and McDowell where he used to ride his horse into cotton land. It's gone and things change and development grows, and we have to go along with change. It's hard for him to make that statement because he used to be in a small community too out in Heber-Overgaard and he represented those people. There is a Dollar General there and he knows what the stores are about and what they're like. He would like to make a motion to pass this and to pass it on to the Board of Supervisors for their decision.

Commissioner Arnett said before they make a motion he would like some more discussion. Growth is a tough business and security is a big issue, traffic, and concerns of what the remainder parcel will be. As far as arterial, it is a main way to cross the river. He grew up in Gilbert and it was a bunch of nothing out there. There's two sides, you want convenience and services but want to maintain it. It's an appropriate site and doesn't think the one store changes it. It's a pretty big parcel and he is concerned what else goes in there, the next thing you know you have a car wash and a laundromat. This is the entry to their community and you want it in the right place and you want the right neighbor. A lot of people show up for a large Walmart and don't want them but they all shop there because it is nicely done.

Commissioner Lindblom said it's taken him back to good and bad experiences living in Gilbert, and going to hearings of things he thought would really impact their community positively and negatively. The decisions that were made in Gilbert were made 10 or 15 years earlier and didn't actually echo the desires of the people. As he looks at this project, what is the desire of the people that live there, will it change the nature of the community, and what are the rights of the property and those that support it? He is up and down to support or not support it, but he is thankful they are taking the time to talk about it because he values everyone's thoughts and for coming down here. It's very difficult and scary to think about the home that you live in and how projects will change them. It's your life and your world and it's a big deal when you have no commercial and one comes then you worry about that slippery slope and what will come next. He echoes Commissioner Arnett's thoughts, he is concerned about the future by approving this.

Commissioner Cowley said when looking at the maps in the presentation, it is obvious this parcel was carved out and left open for future development. Nothing is there and

it's on the corner. The future land use maps doesn't have any commercial neighborhood coloring on it, and from a general plan perspective, it doesn't seem to be consistent with the general plan. Mr. Gerard said that's correct, it's not consistent with the land use plan map. The size is such it does not trigger any type of plan amendment, and general land use and does it further a preponderance of plan policy. There are several that it does, and one of the interpretations of efficient land use would be that the nodes be at corner and not mid-block. The one policy that clearly is in opposition to this is the fostering neighborhood commercial node at MC-85 two miles north across the river.

Commissioner Cowley said this is a really unique situation because there's nothing on the plan that indicates that there's commercial contemplated there, and the section line corners is another issue of itself. There is no other commercial development up there and that is concerning to him.

Vice Chairman Andersen asked how are these policies changed and amended over time. Mr. Gerard said plans are set for horizon, they're not an end game. Community development is such that it is evolving and you want to see positive community change over time, and that's what the planning process is about. In this instance, there's a horizon between 10 and 30 years, and it's a 15 year old plan. At some point the plan will need to be revisited, and a whole new set of outreach efforts in order to craft a brand new set of community visions, and shared values and goals will be drafted. It's usually a one to two year process.

Vice Chairman Andersen asked who makes the decision when that happens. Mr. Gerard said this body can give staff direction where they believe it's appropriate to see a new county area plan or a revised county area plan. In the past, focus has been on more dynamic growth in the far north and the northwest in recent years.

Vice Chairman Andersen asked if the Commission can make a recommendation to the Board of Supervisors to initiate the process to review the plan. Mr. Gerard said we can discuss this at a Zoning, Infrastructure, Policy, Procedure, and Ordinance (ZIPPOR) work session meeting and this body can provide direction to the department.

Vice Chairman Andersen asked what recommendations we can make to the Board of Supervisors concerning this case today. Mr. Gerard said you can follow the staff recommendation for denial based chiefly on the single plan policy, or if you believe an argument has been put forward that the policy is less appropriate and there's a greater preponderance of furthering other policies in the plan, you can state that on the record and motion for approval to the Board of Supervisors.

Commissioner Arnett asked if they are definitive to where that Dollar General goes in terms of the whole property and is it the whole area that needs to be rezoned, and noted it is a pretty major corner right there, and the traffic will probably be the same with or without a Dollar General. He is concerned about the remainder of the property and asked the applicant speak more about that. Mr. Locher said this is a single user, a one acre application. He appreciates the question and concerns of it becoming something bigger, it isn't it's just this. There is no application for the remainder of the

property. There's some confusion because of the prior application, the prior site and prior goals of the seller at that point, but there is no other plan. The reason it's in the location that it is from a development perspective it's clearly set back because you don't want to be the first user on a corner to have access on two arterials 100 feet, and to set that back and give traffic more time to pass the corner made more sense than putting it right on that corner. The other point is the plan policy and the other eight acres, there is no plan. Reading through the general plan and the Rainbow Valley plan, that's intentional and that allows if there ever is a commercial zoning long into the future on the remainder of this piece and anywhere in the Rainbow Valley Area. They need to come through the same exact process they did to ask for approval. There is no precedent being set, it all comes right back here if ever a commercial user applies on the remainder of the property, which isn't ours.

Commissioner Arnett asked if the corner is an option. Mr. Locher said it is a timing issue and they feel it's the best area for this.

Mr. Swan said there is a motion that has been made, it can be withdrawn or it can be seconded but it is on the table. Commissioner Arnett said he will second the motion for the purpose of continuing the discussion, but it's not his vote.

Vice Chairman Andersen said a motion is on the floor and we will vote on it at the appropriate time.

Commissioner Montoya asked if the owner of the property is here to ask them what their intent is on the rest of the property. Mr. Locher said he doesn't know if they are here, he doesn't know them and never met them, but he doesn't think they know.

Commissioner Arnett said the unknowing is the hard part, but it's not what they are voting on.

Commissioner Montoya said her parents were born and raised in Texas and they moved to the original square mile of Surprise in the late 1950's. If you look at the original square mile of Surprise it doesn't look anything like it looked like back in the late 50's early 60's. As Commissioner Zamora mentioned, there's been nothing but growth that has subsumed that small little area. Back in the 1990's when we were hearing about all the changes and the growth that was coming and how we fought it, unfortunately we were not successful and growth came and it continues to develop. The City of Surprise annexed many acres to grow the land base for the city. She is concerned because this particular property would set a precedence for what may happen in the future in this area. This body only has the opportunity to make a recommendation to the Board of Supervisors, that's the only authority we have. This merits the attention of the Board to take a deep look at this and to listen to the residents that live there who stated their wishes and desires to keep this a rural setting, that's what they bought into, that's what they want and need. She thanked those that came to express their thoughts, and those that came to express their opinion that they support the project. She really believes that a fuller discussion is needed at the Board of Supervisors level. This applicant has shed light on the fact that it's been 15 years since there's been any look at the Rainbow Valley Plan, and that needs to be addressed particularly if this applicant will set a

precedence for this area. She will be voting yes to support this for the reason the Board of Supervisor to take a very close look at what will happen in this area.

Vice Chairman Andersen asked if the residents will have an opportunity to provide input in the process to update the plan and how will that all unfold. Mr. Gerard said understand that the age and appropriateness of the plan and the plan policies can be finding and reasoning for recommendations. The actual recommendation you are making today is for approval or denial and will be carried forward to the Board of Supervisors. There will be a public hearing at the Board of Supervisors, it's on the same merits that were presented today and everybody can speak again if they wish, new people can come to present information since it is a public hearing. With regard to potential for future area plan updates, that is always going to be a public process and always be public input and will be a public hearing process that would come before this Commission and the Board of Supervisors.

Commissioner Lindblom said as listening to the residents saying no commercial on one side of the river, he doesn't know how realistic that is. Possibly through that public input they will find ways to meet the needs of those that support and those adamantly opposed while keeping the nature of the area rural. He supports them doing that, so we don't make a decision that really adverse impacts them because of a plan that was from 2003. He won't support the project today because there is a plan that says the project is supposed to be something else. For years in Gilbert he heard that all the changes were allowed because there was a plan and he accepted that, and it was the needs and desires of the community. He does believe the plan is outdated and not realistic. There will be individuals who want to develop their property in a way that still keeps that rural, yet provides services that Dollar General would do for some of those in the community that do need that closer service.

Commissioner Arnett said he's been back and forth on this, and he has similar feeling expressed. It is south of the river and it's on the furthest site of the community, it screams there should be some kind of service. He's really not comfortable carving out a small parcel at this point without a broader discussion of where do we put future commercial. It might end up right here, but it would be under a plan. He likes the site for a Dollar General, but under a larger umbrella it should be thought out for the residents of this area. Until that happens he's not comfortable supporting it today.

Commissioner Zamora said it does need to be discussed and it does need to be looked at. This body can recommend to staff and it does need the attention of the Board of Supervisors to take a look, because we already know growth is going to happen and nothing has been looked at for 15 years, and everything is going further west.

Vice Chairman Andersen said the area plan does need to be relooked, and he appreciates staffs work on this and their recommendation. In many cases commercial on a corner like this would be very appropriate, but we have an area plan that speaks to a policy that may or may not be updated but the policy is there. There's a general consensus that the policy needs to be relooked. The best way to allow that to move forward is to recommend denial of the case as staff has indicated, but also to communicate to staff and the Board of Supervisors that this area plan needs to be

relooked. When it's relooked the residents can provide input, and if that policy changes then it would be an appropriate place for a commercial corner and a Dollar General in this location. If we vote to recommend approval of the case we are putting the cart before the horse a little bit, but either way this is going to the Board of Supervisors and they are going to have a chance to hear those in favor and those opposed.

Vice Chairman Andersen said Commissioner Zamora has a motion to recommend approval of the Dollar General. Mr. Swan said we have a second for that also and it deserves a vote unless Commissioner Zamora wants to withdraw his motion and Commissioner Arnett wants to withdraw his second, but you have a vote. If you want denial then you would vote against that motion. If it doesn't pass on this basis it might pass on a different basis.

Vice Chairman Andersen said a motion for approval has been made and seconded. Commissioner Zamora, Montoya and Burrows voted to approve, and Commissioner Hiatt, Andersen, Arnett and Lindblom opposed. The motion fails.

COMMISSION ACTION: Commissioner Arnett motioned to deny Z2017105. Commissioner Cowley second. Denied 4-3.

Mr. Gerard said the items from today's hearing are proceeding to the August 1st Board of Supervisors hearing.

Commercial Unit Plan of Development - Z2017003

District 5

Applicant:	Kimberly Larsen
Location:	Generally located approx. 250' south of the intersection (SEC) of Dobbins Rd. and 51 st Ave. in the Laveen area
Request:	Zone Change from Rural-43 to C-1 Commercial Unit Plan of Development (CUPD) – Blue Sky Assets LLC

Mr. Banker presented Z2017003 and noted the subject site is an existing post office within the 2,000 square foot building and it's been there since 1974. A request for deviations with a CUPD overlay are for the existing eight foot high chain link fence where a six foot wall is required adjacent to rural zoned properties. They are requesting the site visibility triangle requirements be waived on the driveways, and the site be on the existing septic system rather than on public sewer. The reason this case is on the regular agenda is due to Maricopa County Environmental Services Department (MCESD) raising objection in a memo attached to the staff report. Staff agrees with the proposal to change the site to commercial zoning and the deviations are appropriate. The site has been operating as a post office for many years and is adjacent to C-2 zoning to the north with an existing elementary school to the south and east, and the west is arterial. The CUPD overlay will limit any future land uses to those acceptable by MCESD which proposed condition 'd' it's still on septic system. The applicant would also be required per Environmental Services proposed condition 'b' to submit a minor plan review to the MCESD Onsite Program regarding the existing septic system. Staff recommends approval with conditions.

Vice Chairman Andersen asked if the applicant or anyone would like to speak.

A citizen asked for clarification that it's going to be on septic. Mr. Gerard said the site is served by septic and that is why they have the CUPD overlay zoning district applied to limit uses to those that can be accommodated on septic should in the future sewer be available to the site then they may certainly hook up to that.

COMMISSION ACTION: Commissioner Montoya motioned to approve Z2017003 with conditions 'a'-'g'. Commissioner Zamora second. Approved 7-0.

- a. The following Maricopa County Engineering (MCDOT) condition shall apply:
 - 1. The applicant must preserve 25 feet of right-of-way along the east side of 51st Ave. for possible future road improvements. If (future) public improvements necessitate removal of the existing septic leach field within the existing or future ROW, such removal, replacement or other provision for sanitary sewer service shall be done at no expense to Maricopa County.
- b. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 - 1. Provide minor plan review application to the MCESD Onsite Program.
- c. The following C-1 CUPD standards shall apply:
 - 1. 8' (h) chain link fencing adjacent to rural or residential zoning districts.
 - 2. Site Visibility Triangle (SVT) requirements waived adjacent to existing driveways.
- d. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore,

stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- g. A Plan of Development (POD) – is required for commercial development. Contingent upon BOS approval of the requested C-1 CUPD zoning; the Z2017003 POD is administratively approved subject to the following:
1. Development of the site shall be in substantial conformance with the site plan entitled "9307 S 51st Ave", consisting of 2 sheets, stamped received on March 29, 2018.
 2. Development of the site shall be in general conformance with the narrative report entitled "Parcel 300-10-021A (formerly Hagen Properties)", consisting of 5 pages, stamped received on March 29, 2018.
 3. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 4. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

Vice Chairman Andersen adjourned the meeting at 11:17 a.m.

Prepared by Rosalie Pinney
Recording Secretary
June 14, 2018